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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,816	03/25/2004	Thanakritt Fufuangvanich	77-2	6595

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EXAMINER

REESE, DAVID C

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/808,816	Applicant(s) FUFUANGVANICH, THANAKRITT	
	Examiner David C. Reese	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,12,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 is/are allowed.
- 6) ☒ Claim(s) 1, 4-6, 8, 12 is/are rejected.
- 7) ☒ Claim(s) 3,7 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

THIS NON-FINAL ACTION IS RESPONSIVE TO THE AMENDMENT FILED 5/23/2006.

- Claims 1, 3-8, 12, and 14-15 are pending.

Claim Rejections - 35 USC § 102

- [1] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- [2] Claims 1, 4-6, and 12 are rejected under 35 U.S.C. 102(b) as clearly anticipated by Minematsu, US-2,790,302, because the invention was patented or described in a printed publication in this or a foreign country, or in public use or on sale in this country more than one (1) year prior to the application for patent in the United States.

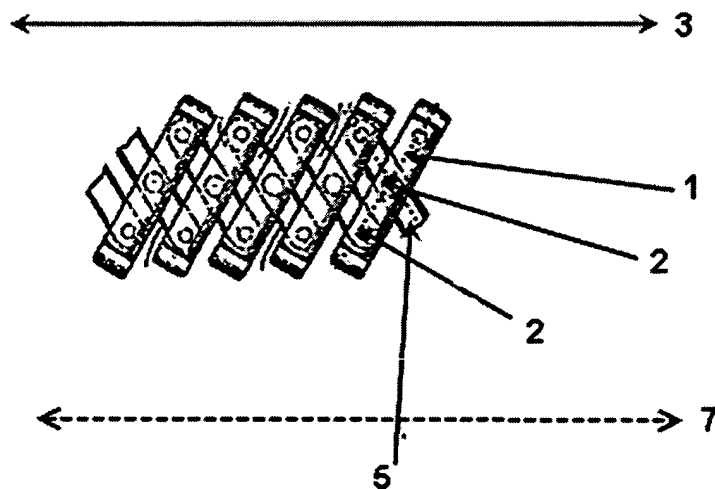
The shape and appearance of Minematsu is identical in all material respects to that of the claimed design, *Hupp v. Siroflex of America Inc.*, 122 F.3d 1456, 43 USPQ2d 1887 (Fed. Cir. 1997).

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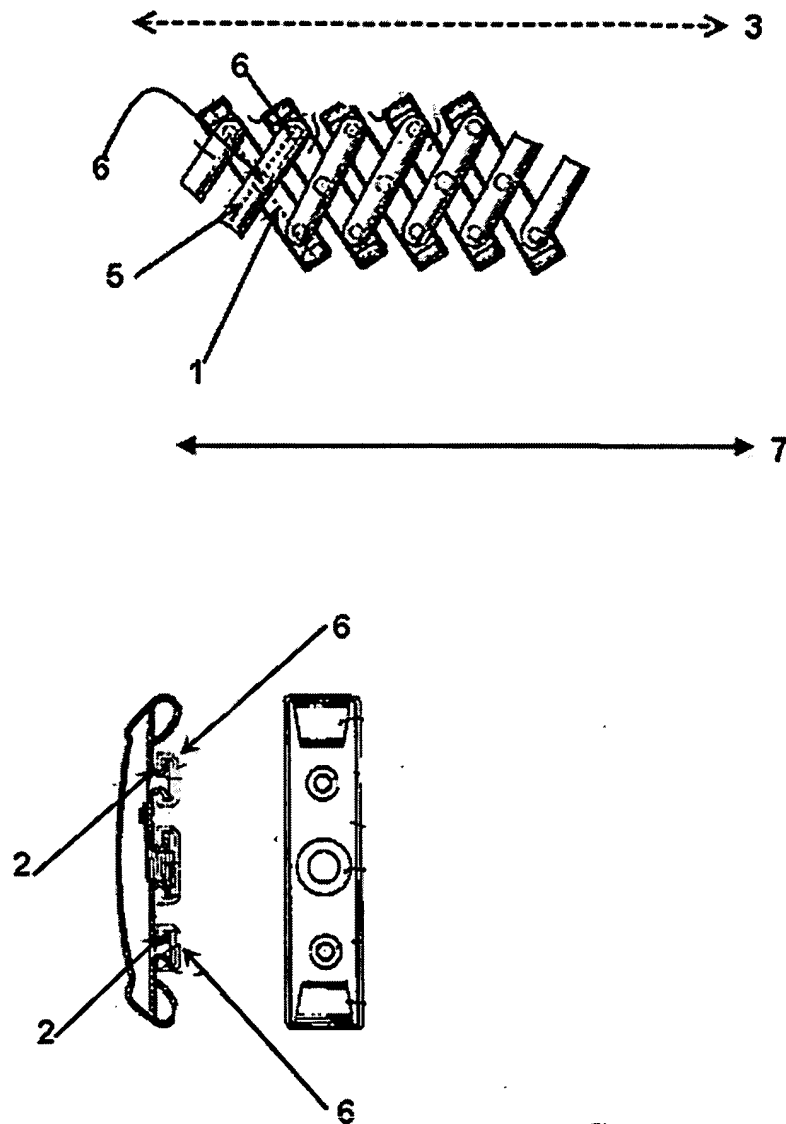
As for Claim 1, Minematsu teaches of a necklace (could be worn as a necklace), comprising (see figures below):

a first plurality of links (1), each link of the first plurality (1) having first (2) and second (2) hinge elements that mate with other links (5), and restrict articulation between the links (1) to a first plane; (3, across the page) and

a second plurality of links (5), each link of the second plurality (5) having first (6) and second (6) hinge elements that mate with other links (1) and restrict articulation between the links (5) to a second plane (7, across the page, underneath 3 in the first figure; above 3 in the second figure), where the second plane (7) is at an angle (the two planes, which are parallel to one another, are thus at an angle to one another) with respect to the first plane (3).



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Re: Claim 4, further comprising means (2, 6) for connecting the first plurality of links (1) to the second plurality of links (5).

Re: Claim 5, where the means for connecting the first plurality of links (1) to a second plurality of links (5) comprises an interconnecting link (2, 6) comprising (see figures above):

a first hinge element (2) restricting articulation to a first plane (3, across the page); and

a second hinge element (6) restricting articulation to a second plane (7, across the page, underneath 3 in the first figure; above 3 in the second figure), where the second plane (7) is at an angle (the two planes, which are parallel to one another, are thus at an angle to one another) with respect to the first plane (3).

Re: Claim 6, where the first hinge element (2) of the interconnecting link (2,6) restricts articulation to the first plane (3); and the second hinge (6) of the interconnecting link (2,6) restricts articulation to the second plane (7).

As for Claim 12, Minematsu teaches of an interconnecting link (2, 6) for connecting a first plurality of link (1) to a second plurality of links (5) in a necklace, comprising (see figures above):

a first hinge element (2) restricting articulation to a first plane (3, across the page); and
a second hinge element (6) restricting articulation to a second plane (7, across the page, underneath 3 in the first figure; above 3 in the second figure), where the second plane (7) is at an angle (the two planes, which are parallel to one another, are thus at an angle to one another) with respect to the first plane (3).

[4] Claims 8 is rejected under 35 U.S.C. 102(b) as clearly anticipated by Gomez, US-6,220,010, because the invention was patented or described in a printed publication in this or a foreign country, or in public use or on sale in this country more than one (1) year prior to the application for patent in the United States.

The shape and appearance of Gomez is identical in all material respects to that of the claimed design, *Hupp v. Siroflex of America Inc.*, 122 F.3d 1456, 43 USPQ2d 1887 (Fed. Cir. 1997).

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As for Claim 8, Gomez teaches of a link (2) (Fig. 1) for a necklace, comprising first (30) and second (32) hinge elements that mate with other links (2), where the first (30) and second (32) hinge elements restrict articulation of adjacent links to a plane horizontal (←-----→) with respect to the link (2) (from col. 2, lines 10-24).

Allowable Subject Matter

[3] Claims 3, 7, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As for Claims 3, 7, and 14, the prior art, incorporating other corresponding limitations as set forth above, does not teach of the first plane being vertical with respect to the first plurality of links and interconnecting link; and the second plane horizontal with respect to the second plurality of links and interconnecting link when the first and second plurality of links are connected by their corresponding interconnecting links.

[4] Claim 15 is allowed for the same reasons as described in the preceding paragraph.

Response to Arguments

[5] Applicant's arguments filed 5/23/2006 regarding rejections under 35 U.S.C. 102 have been fully considered but they are not persuasive. Applicant states that the cited references fail to teach all of the elements of the claims. The examiner disagrees. First, the applicant argues that the pivots in the Minematsu reference restrict the movement of all of the links solely to a single plane instead of that currently claimed. Examiner disagrees. As shown in the above diagrams, planes 3 and 7 are indeed not in the same plane, but rather in two different planes; planes that happen to be parallel with respect to one another, one above the other. Consequently,

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Minematsu does indeed show all of the elements of the given claims.

Secondly, applicant argues that Gomez does not show of a link having “hinge elements that restrict articulation of adjacent links to a plane horizontal with respect to the link.” The examiner once again disagrees with applicant. Applicant misinterprets the principle that claims are interpreted in the light of the specification. A reading of the specification provides no evidence to indicate that these limitations must be imported into the claims to give meaning to disputed terms. *Constant v. Advanced Micro-Devices Inc.*, 7 USPQ2d 1064. That is, the term, “horizontal” does not have to be given the same meaning as that by applicant. The ability of the links in Fig. 1 of Gomez to move together, as well as away, from each other along the axis of the insert does indeed satisfy the claim limitation “to a plane horizontal with respect to the link.”

Conclusion

[6] THIS ACTION IS NON-FINAL

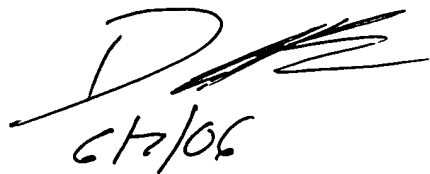
[7] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is (571) 272-7082. The examiner can normally be reached on 7:30 am-6:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, J.J. Swann can be reached at (571) 272-7075. The fax number for the organization where this application or proceeding is assigned is the following: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Reese
Assistant Examiner
Art Unit 3677

DCR



6/12/06



ROBERT J. SANDY
PRIMARY EXAMINER